

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.175 of 2008

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BRAJ KUMAR DUBEY

... .. Appellant/s

Versus

ABHISHEK DWIVEDI & ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. A.B.Ojha

For the Respondent/s : Mr. Srinivas Jha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

13 25-04-2018

I.A. No. 3246 of 2018 has been pressed by the learned counsel for the appellant praying therein to allow the appellant withdraw this first appeal. Provision of law is wrongly mentioned in the said interlocutory application.

The learned counsel for the appellant seeks permission to correct the same during course of the day itself.

Permission is granted.

The aforesaid interlocutory application is an application under Order 23 Rules 1 and 2 read with Section 151 of the C.P.C. submitting therein that final decree has been passed in Partition Suit No. 269 of 1972 and the decree has also been executed. The parties to the suit have taken possession of their respective shares. Some of the parties to the suit have alienated their share. The appellant with cool mind decided of



his own to withdraw the present appeal unconditionally.

Heard the learned counsel for the appellant.

Under the circumstances, the appellant is permitted to
withdraw this appeal.

In the result, this appeal is hereby dismissed as
withdrawn.

(Jitendra Mohan Sharma, J.)

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